

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**Egenera, Inc.,**

**Plaintiff,**

**v.**

**Cisco Systems, Inc.,**

**Defendant.**

**Civil Action No. 1:16-cv-11613-RGS**

**JURY TRIAL**

**DECLARATION OF AVERY WILLIAMS IN SUPPORT OF EGENEREA'S RESPONSE  
IN OPPOSITION TO CISCO SYSTEM INC.'S MOTION TO EXCLUDE REASONABLE  
ROYALTY OPINIONS OF DR. RYAN SULLIVAN**

I, Avery Williams, declare as follows:

1. I am an attorney duly licensed to practice law in the State of Texas and have been admitted *pro hac vice* by order of the Court in the above-captioned case.

2. I make this declaration in support of Plaintiff Egenera's response in opposition to Cisco System Inc.'s motion to exclude reasonable royalty opinions of Dr. Ryan Sullivan. If called as a witness, I could and would competently testify to the following facts to the best of my knowledge, which are known to me based on my own personal knowledge and upon the records and files maintained by McKool Smith, P.C. in the regular course of its representation of Plaintiff.

3. Attached as Exhibit 1 is a true and correct copy of excerpts from the Expert Report of Ryan Sullivan, dated April 20, 2018

4. Attached as Exhibit 2 is a true and correct highlighted copy of excerpts from the deposition transcript of Kevin Kerrigan, dated March 13, 2018.

5. Attached as Exhibit 3 is a true and correct copy of excerpts of the Expert Report

of Stephen Becker, dated May 25, 2018.

6. Attached as Exhibit 4 is a true and correct copy of the Mark Jones declaration, dated Aug. 29, 2018.

7. Attached as Exhibit 5 is a true and correct copy of a document titled “Cisco UCS 5100 Series Blade Server Chassis,” dated 2017.

8. Attached as Exhibit 6 is a true and correct copy of a document titled “Cisco UCS 6324 Fabric Interconnect Data Sheet,” dated November 20, 2017.

9. Attached as Exhibit 7 is a true and correct copy of a document titled “Cisco Business Advantage Delivered: The Cisco Unified Computing System,” dated July 2015.

10. Attached as Exhibit 8 is a true and correct copy of a document titled “The Total Economic Impact of Cisco Unified Computing System - Forrester,” dated July 2014.

11. Attached as Exhibit 9 is a true and correct copy of a document titled “Cisco Illinois Cloud Reduces IT Costs for School Districts,” dated 2012.

12. Attached as Exhibit 10 is a true and correct copy of a document titled “Data Center Value Zone,” dated March 27, 2018.

13. Attached as Exhibit 11 is a true and correct copy of a document titled “Blade Server TCO and Architecture – You Cannot Separate Them,” dated March 29, 2018.

14. Attached as Exhibit 12 is a true and correct copy of Cisco’s Supplemental Objections and Responses to Egenera’s First Set of Interrogatories (No. 7), dated May 15, 2018.

15. Attached as Exhibit 13 is a true and correct copy of excerpts from the Supplemental Expert Report of Ryan Sullivan, dated June 8, 2018.

16. Attached as Exhibit 14 is a true and correct copy of an excel spreadsheet produced by Cisco in this litigation (CISCO00262831).

17. Attached as Exhibit 15 is a true and correct copy of highlighted excerpts from the Deposition Transcript of Sanjivan Naidu, dated May 23, 2018.

18. Attached as Exhibit 16 is a true and correct copy of highlighted excerpts from the deposition of Ryan Sullivan, dated June 22, 2018.

19. Attached as Exhibit 17 is a true and correct copy of a document titled “Cisco UCS 6200 Series Fabric Interconnects Data Sheet,” dated December 15, 2017.

20. Attached as Exhibit 18 is a true and correct copy of excerpts from a document entitled “Cisco Unified Data Center – Changing the Economics of the Data Center,” dated 2010 (CISCO000063923).

21. Attached as Exhibit 19 is a true and correct copy excerpts from a document titled “Accelerating the Transformation to Next Generation Data Center,” undated (CISCO000045602).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30<sup>th</sup> day of August, 2018 in Dallas, Texas.

/s/ Avery Williams  
Avery Williams